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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,086	02/12/2002	Clay von Mueller	02-SEM/109	6687
22890	7590	12/10/2004	EXAMINER	
RICHARD D. CLARKE LAW OFFICE OF RICHARD D. CLARKE 3755 AVOCADO BLVD., #1000 LA MESA, CA 91941-7301			CAO, CHUN	
			ART UNIT	PAPER NUMBER
			2115	

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/074,086

Applicant(s)

VON MUELLER ET AL.

Examiner

Chun Cao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-25 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The current title is imprecise.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations "the cradle interface signals" and "the PDA" in line

5. There are insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitations "the initiation" in line 2 and "the PDA's hot sync operation" in line 3. There are insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitations "the transmitted data" and "the card data" in line

3. There are insufficient antecedent basis for this limitation in the claim.

Claims 2-13 are rejected because they incorporate the deficiencies of claim 1.

Claim 14 recites the limitations "the cradle interface signals" and "The PDA" in lines 5-6. There are insufficient antecedent basis for this limitation in the claim.

Claims 15-25 are rejected because they incorporate the deficiencies of claim 14.

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5. Due to the number of 35 USC § 112, second paragraph rejections, the examiner has provided a number of examples of the claim deficiencies in the above rejection(s), however, the list of rejections may not be all inclusive. Applicant should refer to these rejection(s) as examples of deficiencies and should make all the necessary corrections to eliminate the 35 USC § 112, second paragraph problems and place the claims in a proper format.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1, 5, 6, 8 and 10-13 are rejected under 35 U.S.C. 102(a) as being anticipated by Valliani et al. (Valliani), U.S. patent no. 6,234,389.

As per claim 1, Valliani discloses a PDA attachable device [200, figs. 1-7] comprising:

(a) magnetic stripe containing data reading and writing operational means [col. 4, lines 39-42];

(b) electrical power transfer means, whereby said PDA attachable device solely derives its electrical power for said magnetic stripe containing data reading and writing operational means from a cradle interface signals supplied by a PDA [fig. 2; col. 4, lines 29-34, 62-65]; and

(c) power management means, whereby said PDA attachable device efficiently controls power consumption to conserve PDA supplied electrical power enabling greater operational times for said magnetic stripe containing data reading and writing operational means [fig. 2; col. 4, lines 29-34, 62-65; col. 5, lines 15-29].

As per claim 5, Valliani discloses that magnetic stripe containing data reading and writing operational means includes a removable memory module for data logging in data applications where the PDA does not support non-volatile memory [col. 5, lines 14-40].

As per claim 6, Valliani discloses that the removable memory module includes a memory module capable of storing multiple data format specifications and converting varied magnetic stripe data formats into a standardized single format for data logging and or outputting to a PDA [col. 4, lines 38-49].

As per claim 8, Valliani discloses that memory module capable of storing multiple data format specifications and converting varied magnetic stripe data formats into a standardized single format for data logging and or outputting to a PDA further includes the ability to limit or prevent sensitive data from being sent to the PDA [col. 5, lines 30-63].

As per claim 10, Valliani discloses that magnetic stripe containing data reading and writing operational means includes a magnetic stripe reader attachable to a PDA with the capability to verify the authenticity of the magnetic stripe data before sending the data to the PDA [col. 5, lines 30-63].

As per claim 11, Valliani discloses that magnetic stripe containing data reading and writing operational means includes a magnetic stripe reader attached to a PDA with the capability to encode the sensitive magnetic stripe data before sending the data to the PDA thereby allowing sensitive information such as credit card numbers to be forwarded to the processing agency without being available to the PDA operator [col. 5, lines 30-63; figures 2-7].

As per claim 12, Valliani discloses that the ability to encode a transmitted data with a security signature derived from a card data [col. 5, lines 30-63].

As per claim 13, Valliani discloses that a wireless PIN pad for the purpose of facilitating applications requiring the customer entry of a personal identification number, and allowing a customer to enter a personal identification number to complete a transaction [figures 3-7; col. 6, lines 25-27].

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valliani et al. (Valliani), U.S. patent no. 6,234,389 in view of Henderson et al. (Henderson), U.S. Patent No. 5,603,078.

As to claims 2, Valliani does not explicitly disclose that power management means includes using encoded data on the read magnetic stripe to initiate the powering up and read operations of said magnetic stripe containing data reading and writing operational means.

However, Henderson discloses that power management means includes using encoded data on the read magnetic stripe to initiate the powering up and read operations of said magnetic stripe containing data reading and writing operational means [col. 5, line 54-col. 6, line 8; col. 7, lines 4-13]. It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Valliani and Henderson because the specify teachings of Henderson stated above would have increased the power consumption of the Valliani's system by only initiate the powering up if detecting the presence of the magnetic stripe card.

As per claim 3, Henderson discloses that the initiation of an automatic startup of the magnetic stripe reader during a card swipe [col. 8, lines 4-13], and inherently, Valliani teaches of imitating the PDA's hot sync operation during a card swipe [fig. 1; col. 2, lines 48-55; col. 5, lines 14-26].

10. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valliani et al. (Valliani), U.S. patent no. 6,234,389 in view of Applicant Admitted Prior Art (AAPA).

As per claim 7, Valliani does not explicitly disclose that memory module capable of storing multiple data format specifications and converting varied magnetic stripe data formats into a standardized single format for data logging and or outputting to a PDA is

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used for age verification whereby when states having the age and physical attributes in varying formats the output can be standardized for the PDA age verification application.

However, AAPA discloses that memory module capable of storing multiple data format specifications and converting varied magnetic stripe data formats into a standardized single format for data logging and or outputting to a PDA is used for age verification whereby when states having the age and physical attributes in varying formats the output can be standardized for the PDA age verification application [page 1, line 20-page 2, line 7]. It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Valliani and AAPA because the specify teachings of AAPA stated above would have increased the functionality of the Valliani's system.

As per claim 9, Valliani discloses that magnetic stripe containing data reading and writing operational means includes a removable processor module [fig. 1; col. 4, lines 3-6]. AAPA disclose field installable application software such as for age verification applications [page 1, line 20-page 2, line 7].

11. Claims 14-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valliani et al. (Valliani), U.S. patent no. 6,234,389 in view of Henderson et al. (Henderson), U.S. Patent No. 5,603,078 and Applicant Admitted Prior Art (AAPA).

As to claims 14-24, claims 1-3 and 5-13 basically are the corresponding elements that are carried out the method of operating steps in claims 14-24. Accordingly, claims 14-24 are rejected for the same reason as set forth for claims 1, 2 and 5-13.



***Allowable Subject Matter***

12. Claims 4 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claims 4 and 25 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Heizer et al., US publication no. 2002/0169913, teaches that a PDA device provides power to a magnetic stripe card reader when the magnetic stripe card reader is connected to the PDA device.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao whose telephone number is 571-272-3664. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 571-272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Chun Cao', with a stylized flourish at the end.

Chun Cao

Dec. 1, 2004